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Max L. Friedersdorf to Senator James O. Eastland, 23 December 1975

Max L. Friedersdorf

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THE WHITE HOUSE

WASHINGTON

December 23, 1975

Dear Mr. Chairman:

Recalling your recommendation for a Presidential veto of H.R. 5900, the Common Situs Picketing Bill, I am sending along a copy of a statement issued by the President on December 22, 1975.

The President appreciated your comments on this bill, and welcomes your advice on all legislation.

With kindest regards,

Sincerely,

Max L. Friedersdorf

Max L. Friedersdorf
Assistant to the President

The Honorable James O. Eastland
United States Senate
Washington, D.C. 20510

Enclosure

DECEMBER 22, 1975

White House

Office of the White House Press Secretary

THE WHITE HOUSE

STATEMENT BY THE PRESIDENT

I am today announcing my intention to veto H. R. 5900, commonly known as the Common Situs Picketing Bill. I and my principal advisors have thoroughly analyzed the proposed legislation and all of its ramifications. The issues involved have become the subject of much controversy, and I believe the matter should be resolved as soon as possible. Therefore, I am taking the action of announcing my decision now.

Actually the bill before me represents a combination of H. R. 5900, which would overturn the United States Supreme Court's decision in the Denver Building Trades case and the newly proposed Construction Industry Collective Bargaining Bill, S. 2305, as amended. During the development of this legislation I stipulated that these two related measures should be considered together. The collective bargaining provisions have great merit and it is to the common situs picketing title that I address my objections.

For many years I have been familiar with the special problems of labor-management relations in the construction industry and sympathetic to all good faith efforts to find an equitable solution that would have general acceptance by both union and non-union workers and building contractors.

Because this key industry has been particularly hard hit by the recession and its health is an essential element of our economic recovery, I have been especially hopeful that a solution could be found that was acceptable to all parties and would stimulate building activity and employment, curtail excessive building costs and reduce unnecessary strikes, layoffs and labor-management strife and discord in the construction field.

Therefore, since early this year Secretary of Labor John Dunlop, at my direction, has been working with members of Congress and leaders of organized labor and management, to try to obtain comprehensive legislation in this field that was acceptable and fair to all sides, and in the public interest generally. Without such a general consensus I felt that changing the rules at this time would merely be another Federal intervention that might delay building and construction recovery but not effectively compose the deep differences between contractors and union and between organized and non-organized American workers.

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From the outset, I specified a set of conditions which, if met, would lead to my approval of this legislation. Virtually all of these conditions have been met, thanks to the good faith efforts of Secretary Dunlop and others in the Building Trades Unions and the Congress. During the course of the legislative debate, I did give private assurances to Secretary Dunlop and others that I would support the legislation if the conditions specified were met.

Nonetheless, after detailed study of the bill, and after extensive consultations with others, I have most reluctantly concluded that I must veto the bill. My reasons for vetoing the bill focus primarily on the vigorous controversy surrounding the measure, and the possibility that this bill could lead to greater, not lesser, conflict in the construction industry. Unfortunately, my earlier optimism that this bill provided a resolution which would have the support of all parties was unfounded. As a result, I cannot in good conscience, sign this measure, given the lack of agreement among the various parties to the historical dispute, over the impact of this bill on the construction industry.

There are intense differences between union and non-union contractors and labor over the extent to which this bill constitutes a fair and equitable solution to a long-standing issue.

Some believe the bill will not have adverse effects on construction, and indeed rectifies an inequity in treatment of construction labor. But with equal sincerity and emotion there are many who maintain that this bill, if enacted into law, would result in severe disruption and chaos in the building industry. I have concluded that neither the building industry nor the nation can take the risk that those who claim the bill, which proposes a permanent change in the law, will lead to loss of jobs and work hours for the construction trades, higher costs for the public, and further slowdown in a basic industry are right.

It has become the subject of such heated controversy that its enactment under present economic conditions could lead to more idleness for workers, higher costs for the public, and further slowdown in a basic industry that is already severely depressed. This is not the time for altering our national labor-management relations law if the experiment could lead to more chaotic conditions and a changed balance of power in the collective bargaining process.

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